

Remarks

The Examiner is thanked for the Final Action dated August 29, 2002 and the personal interview conducted on October 8, 2002. The remarks to follow are intended to be fully responsive thereto.

The Examiner rejected claims 1-13 under 35 USC § 102(e) as being anticipated by Asakura et al. Applicant respectfully disagrees.

With respect to claims 1 and 12, Asakura fails to disclose an “insert ...at least partly implanted into a thickness e of the glazing...[where the insert is] formed of a material that substantially reflects the beam (F1)..., wherein said beam travels from said means for emitting to said one face of the glazing without passing through said insert.” As argued during the interview, the light emitting diode 50 in Asakura emits a beam **that passes through an insert**. The insert used in Asakura is a combination of an entrance hologram 30 and an exit hologram 40. The entrance hologram reflects the beam prior to reflecting off the glazing. In the present application, a first diode emits a light beam intended to be reflected by the front face of the glazing. **The insert in the present invention reflects the beam between the surface of the windscreen and that of the insert. The beam travels from the emitting source to the glazing face without first penetrating through the insert.** See page 8, line 11 to page 9, line 16 of the original specification. Because the prior art allows the beam to penetrate the insert before reaching the glazing face, any rejection under 35 USC § 102 is improper.

Claims 2-11 depend from base claim 1 which is believed to be in condition for allowance.

Regarding claim 13, Asakura fails to disclose wherein “means for emitting is disposed within said glazing.” Nowhere in the prior art is means for emitting disposed within the glazing. Rather, the emitting device and the receiving are provided at an edge of the glazing. See column 5, lines 22-23 of Akakura. Further, the prior art locates the receiving means within an instrument panel **instead of being disposed against the glazing**. See column 5, lines 24-28 of Akakura.

During the interview, the Examiner indicated claim 13 appeared to distinguish the claim over the prior art. However, the Examiner further asserted that this argument is a “new issue” raised after final rejection. Applicant respectfully disagrees. Claim 13 was added in response to the first Office Action and **before** the Final Action dated August 29, 2002. Therefore, Applicant asserts that no new issues have been raised; claim 13 is in condition for allowance as acknowledged during the interview, and notice to that effect is warranted. Simply put, the 102 rejection of claim 13 must be withdrawn because Akakura fails to disclose an arrangement wherein “means for emitting is disposed within said glazing” as recited in claim 13.

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It is believed that claims 1-13 define the invention over the prior art and notice that effect is warranted. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Matthew Stavish", written over a horizontal line.

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